

MINUTES
BOARD OF APPEALS
Monday, January 18, 2016
City Hall, Room 604
5:30 p.m.

MEMBERS PRESENT: Don Carlson – Chair, Greg Babcock - Vice-Chair, Rob Marx and Thomas Hoy

MEMBERS EXCUSED:

OTHERS PRESENT: Paul Neumeyer, Lee Deneys, Jason Hale, Kevin Regalia, and Garritt Bader

D. Carlson called the meeting to order and asked the Board if anyone needed to abstain from voting. All stated no. He then asked if any members had gone out to the properties. T. Hoy stated he went to the two properties on Main Street and G. Babcock stated he went to all three properties. He asked if any members had spoken to anyone regarding the variance requests. All stated no.

APPROVAL OF MINUTES:

Approval of the November 16, 2015, minutes of the Board of Appeals.

A motion was made by G. Babcock and seconded by T. Hoy to approve the November 16, 2015, minutes of the Board of Appeals. Motion carried. (4-0)

NEW BUSINESS:

1. Leland L. & James W. Deneys, property owners, proposes to retain an existing nonconforming shed in a Low Density Residential (R1) District at 1234 Chantel Street. The applicants request to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-615, Table 6-4, side and rear yard setbacks.

Lee Deneys – 1347 Sunray Lane: L. Deneys stated he is asking for a variance to leave a storage shed in its current location. He briefly explained the history of the property and how he acquired the property. He stated they bought storage sheds for the backyard of the duplexes for the trash and recycle bins as the garages are single stalls and are very shallow and narrow. He placed the storage shed on the north side in a spot that was most feasible especially since part of the backyard does slope. He was not aware of the fact that he needed a building permit to up the shed. He has since purchased a building permit. He is asking permission to leave the storage shed in its current location. The only part of the shed that is visible is the peak as the entire backyard is surrounded by 6 ft. privacy fence.

D. Carlson verified with L. Deneys which duplex has the storage shed in question and if the other storage shed was compliant. L. Deneys stated it would be the duplex on the right as you look at the front of the house and yes, the other storage shed is fine. L. Deneys stated the variance is needed because the storage unit is too close to the property line. The north side of the property has trees along the property line and when the door to the fence is closed, you can only see the peak of the shed.

D. Carlson asked how the need for a variance came about and if someone complained. L. Deneys stated that after the shed was up and building permit was purchased, during the final inspection it was noted that the shed was in the wrong place. He stated if he had to, he could move it, but it will take a considerable amount of work, time and money because the yard is not level.

G. Babcock asked when the shed was built. L. Deneys stated the shed was installed last summer.

D. Carlson asked P. Neumeyer what setbacks are needed for the variance. P. Neumeyer stated it is the side and rear yard setbacks, which is 4 ft., based on the lot size. However, if the lot was smaller, it could be 2.5 ft.

L. Deneys stated that the shed sits 2 ft. off the rear and side yard setbacks. He stated that the current tenants have landscaped around the shed and have put in a flower garden.

G. Babcock asked if the setback is from the fence or the lot line. P. Neumeyer stated the lot line. He then asked if the fence is on the lot line. L. Deneys stated that the back fence is on the lot line. P. Neumeyer stated again that setbacks are only from the lot lines. R. Marx asked where the side yard setback issue becomes a factor. L. Deneys stated the side yard setback is because it is not completely behind the duplex, and is visible. However, we do have the privacy fence that closes it all off.

P. Neumeyer stated that you could also apply the front yard setback. He stated that any accessory building has to be set back 55 ft. from the street. They have allowed exceptions for corner lots to go closer than the established setback. Corner lots do get an exemption as there have been problems in the past. D. Carlson stated the safe harbor in this would be to move the shed over so that it's hidden behind the house.

T. Hoy asked L. Deneys if he had contacted any of the neighbors. L. Deneys stated the only neighbor they spoke with was the neighbor directly next to them and he did not have any issues.

A conversation then ensued between Board members. G. Babcock stated that he was out to the property and you cannot see much of the shed, just the top of it. He also stated the backyard was small and he is in favor of the request. R. Marx asked if a variance can be granted on a single structure, for the shed only. He asked this question due to possible issues with both water run-off and maintenance being that it is a composite structure and they won't be back there painting or re-shingling or anything along those lines.

P. Neumeyer did inform R. Marx that the 4 ft. setbacks would also apply to a 1,000 sq. ft. garage as well. In this case the structure is a small manufactured type structure. All Board members were in acceptance of the variance.

A motion was made by R. Marx and seconded by T. Hoy to grant the variance with the condition that it is based on the current existing structure or any future composite structures. Motion carried. (4-0)

2. Kevin Regalia, on behalf of Rick Chernick, property owner, proposes to upgrade the parking lot and redevelop the structure in a Downtown Two (D2) District, located at 503 Main Street. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-1821, Interior parking lot landscaping.

Jason Hale – 2100 Riverside Drive & Kevin Regalia – 529 N. Monroe: J. Hale stated he is an architect with Somerville working with K. Regalia to redevelop an existing lot located downtown on Main Street. Camera Corner is working with Associated Bank on the development of the parking lot on the north side of the site. The site is approximately one-half acre in size. The existing building will remain as the new office space for the engineering group at Camera Corner and a building next to the current Camera Corner retail site will be demolished. The rest of the space will be a bio-filter retention pond, green space, and parking. The variance is to eliminate the requirement for the interior lot landscaping. There is not a lot of space available to meet the parking demands of both Camera Corner and Associated Bank. The fact that Associated is teaming up with Camera Corner is because they are short on parking stalls. They are increasing the green space on the site from about zero percent to about 13 percent. Where the parking is now, it is tight with the sidewalk, and they would be putting in a landscape buffer, as required, around the perimeter of the parking lot. They will also be adding green space around the existing building. Even though they will not have the interior lot landscaping, they feel they have improved the situation on the site and they are also adding in storm water control, which will be landscaped as well. Overall, they feel this is a major improvement as to what it looks like now.

A conversation ensued between the applicants and Board members. This included specifics regarding the retention pond and the landscaping around it.

D. Carlson asked the applicants if the argument they are making is that they cannot afford to lose any additional parking spaces due to the required interior landscaping. They stated that was correct. D. Carlson stated if the basis for this is because they have to tie in with Associated Bank development because for Camera corner alone he assumes the parking is more than sufficient. They stated that was correct and that if it was just Camera Corner developing the property, they would have less parking and would have to move the retention pond. Where there is currently parking is owned by Associated Bank, and the building to be demolished is owned by Camera Corner, so they are working together to develop the back area of the property.

D. Carlson stated he thinks that Associated Bank needs to be part of this application so Board Members can justify the variance.

R. Marx asked if they denied the variance, would they still develop the Camera Corner lot and tear down the narrow building and add parking. The applicants responded that was correct. R. Marx also asked if the other existing parking lot would remain parking for Associated Bank, which they responded yes. However, by both Camera Corner and Associated Bank redeveloping the lot together, they can go in and add the landscaping buffer, storm water control, and green space. If they are just looking at that strip of building just for Camera Corner, Associated Bank's lot will sit the same with 100 percent asphalt, sidewalk to property line, and no landscaping.

T. Hoy asked if their design will blend in with the surrounding areas to make it somewhat cohesive. The applicants stated yes. The outer landscaping will meet the necessary requirements needed; it is just the interior landscaping they are asking the variance for. D. Carlson asked if this is for parking justification, which the applicant stated yes, and that per zoning, Camera Corner needs 31 parking spaces and Associated Bank needs a minimum of 50 parking stalls to meet their requirements. T. Hoy asked how many parking spaces will be lost with the interior landscaping. The applicants responded about 10-12 spaces.

T. Hoy asked P. Neumeyer if the other businesses around this property conform to the landscaping requirements. P. Neumeyer stated that the problem is with different developments over time. The requirements may not have been in place at that point when the original development went in and are different from the current standard. In order for the current development to move forward, it will have to follow the current standards and ordinances. There

are two components here, one is the Associated Bank lot; it is a redevelopment lot and that would require 5 percent, and the new parking lot where the building is coming down will require 10 percent. For an existing parking lot the interior landscaping requirements are less than a brand new parking lot.

A conversation then ensued between Board members. D. Carlson stated that he approves of the request. R. Marx stated that he is also in favor of the request. T. Hoy asked the applicants if they had any comments from their neighbors, in which they stated no.

A motion was made by R. Marx and seconded by G. Babcock to grant the variance as requested. Motion carried. (4-0)

3. Garritt Bader, GB Real Estate Investments, LLC, on behalf of T7 Jazz No. 4, LLC, property owner, proposes to construct a commercial building in a General Commercial (C1) District at 1940 Main Street. The applicants request to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-810, Table 8-2, front yard setback.

Garritt Bader – 300 N. Van Buren Street: G. Bader stated this is a site they will be redeveloping for retail space and the existing building on the property will be coming down. There will be a new building built on the site; however, due to the angle of the property, it limits what can be built on the property. They hope to acquire a portion of right-of-way from the City to use as part of the new development. The variance they are requesting is the front yard setback, which requires 15 ft. of green space from the right-of-way line. Due to the angle of the property they cannot move the building back any further so he is asking for the parking to be allowed in the front yard setback. Due to the right-of-way being so wide, there will be a 16 ft. terrace area where most areas have a 0-6 ft. terrace area.

R. Marx asked why it was necessary to have these parking stalls. D. Bader stated to meet code and to meet distance to the front door. He then asked if there was anywhere else to put them, in which G. Bader stated no. G. Babcock asked what the code requires for this type of development. G. Bader confirmed with P. Neumeyer that it is 4 percent.

A motion was made by R. Marx and seconded T. Hoy to grant the variance as requested. Motion carried. (4-0)

A motion was made by R. Marx and seconded by T. Hoy to adjourn the meeting at 6:08 p.m. Motion carried. (4-0)

Meeting adjourned.